



W.P.(MD).No.25683 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.25683 of 2022

S.Justin Thiraviyam

... Petitioner

Vs.

The Managing Director,
Tamilnadu Forest Plantation Corporation
Ltd., (TAFCORN),
Karur Main Road,
Mallatchpuram,
Kambarasankottai Post,
Trichy.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to compassionately appoint the petitioner in any employment as per the petitioner's educational qualification, on account of the demise of the petitioner's father namely M.Sundarraaj based on the petitioner's representation dated 26.10.2020.



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For Petitioner : Mr.K.R.Laxman

For Respondent : Mr.R.Ragavendran
Government Advocate

ORDER

The present writ petition has been filed for a Writ of Mandamus, to direct the respondent to compassionately appoint the petitioner in any employment as per the petitioner's educational qualification, on account of the demise of the petitioner's father namely M.Sundarraaj based on the petitioner's representation dated 26.10.2020.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate for the respondent and carefully perused the materials available on record.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner's father late. M.Sundarraaj was a Forest Watcher. He expired while in service on 31.03.2015. The petitioner's father was survived by his wife and three sons as his legal heirs. The petitioner is the youngest son among them. At the time of the petitioner's father's death, the petitioner did not complete 10th standard. The petitioner was a major at the time of his father's death. The petitioner made an application to the respondent seeking an appointment under the compassionate ground within three months from the date of death of the petitioner's father i.e., in the month of July 2015. However, the petitioner has completed 10th standard in the month of June, 2018. In respect of the several demands made by the petitioner in person, the respondent has not taken any positive steps to provide him with an appointment under the compassionate ground. Lastly, he had sent a requisition letter dated 06.09.2018 and 03.10.2018 to the respondent in this regard, for which the petitioner received the letter from the respondent dated 12.01.2019 asking him to produce his 10th standard certificate. Immediately, the petitioner submitted the relevant documents along with his SSLC passed certificate to the respondent. He also submitted No Objection Certificate which was obtained from his mother and his two elder brothers. Despite the same, nothing



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positively happened to the petitioner and hence, he lastly made a representation on 26.10.2020 to the respondent seeking an appointment under the compassionate ground. The same was not considered by the respondent. Challenging the same, this writ petition came to be filed.

4. The learned Counsel appearing for the petitioner vehemently submitted that the application seeking an appointment under compassionate ground was duly submitted by the petitioner within the mandated period of time i.e., within a period of three months from the date of death of the petitioner's father and the petitioner was 32 years old at the time of his application. That apart, he also relied upon the Tamil Nadu Forest Subordinate Service Rules and pointed out the fact that there are several posts under Class-V which do not need any qualification is also available with the respondent department. Hence, the petitioner seeking an appointment under the compassionate ground and pressed for allowing the Writ Petition.

5. Per contra, the learned Government Advocate appearing for the respondent has filed a counter and he vehemently submitted that the application



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of the petitioner seeking an appointment under compassionate ground cannot be considered for the reason that the petitioner had acquired the necessary SSLC qualification only after the lapse of three years from the date of death of the employee. That apart, he also relied G.O.Ms.No.42, Labour and Employment (Q1) Department, dated 13.03.2007 and submitted that the said G.O. mandates that the petitioner should have acquired the necessary qualification within a period of three years from the date of death of the employee. Hence, he vehemently submitted that the petitioner is not entitled for any appointment and pressed for dismissal of the Writ Petition.

6. In response to the same, the learned Counsel appearing for the petitioner immediately placed G.O.Ms.No.42, Labour and Employment (Q1) Department, dated 13.03.2007 before this Court.

7. A careful perusal of the aforesaid G.O. would reveal that neither any qualification of the applicant nor the post held by the deceased employee could be relevant for appointment under compassionate ground which are made for C & D group posts alone. That apart, the learned Counsel appearing for the



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petitioner has already drawn my attention to the Tamil Nadu Forest Subordinate Service Rules which provides with several posts for which the petitioner's SSLC qualification is not necessary i.e., the post like driver, cleaner etc., That apart, a careful reading of the said G.O., would also reveal that it is not mandatory for an applicant seeking an appointment under compassionate ground to complete SSLC within a period of three years from the date of death of the employee. There is no whisper about the same, in the said G.O. In view of the same, considering the fact that the application has been duly made by the petitioner within time as mandated by G.O(Ms)No.18 of the Labour and Employment (Q1) Department, dated 23.01.2020 and also the other legal heirs have issued No Objection Certificate in favour of the petitioner and that the petitioner has also completed SSLC. The respondent can very well appreciate his application and provide him with the job suitable to his qualification. However, the respondent finds that the qualification obtained after the lapse of three years from the date of death of the employee, they can place him in any post for his qualification.



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8. In view of the same, this Court directs respondent to provide the suitable job to the petitioner forthwith under the compassionate ground, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition stands allowed. There shall be no order as to costs.

03.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Managing Director,
Tamilnadu Forest Plantation Corporation
Ltd., (TAFCORN),
Karur Main Road,
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L.VICTORIA GOWRI, J.

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